

**THE URBAN LAW FIRM**

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**Counsel for Plaintiffs**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 1107,

Plaintiff,

and

SUNRISE HOSPITAL AND MEDICAL  
CENTER, LLC d/b/a SUNRISE HOSPITAL AND  
MEDICAL CENTER,

Defendant

Case No.: 2:12-CV-00199-GMN-GWF

**Member Cases:**

2:12-CV-00796-GMN-GWF

2:12-CV-01291-GMN-GWF

2:12-CV-01292-GMN-GWF

**ORDER AWARDING  
ATTORNEY'S FEES AND COSTS**

SUNRISE HOSPITAL AND MEDICAL CENTER,  
LLC,

Plaintiff,

vs.

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 1107,

Defendant.

This matter came on for hearing before the Court on September 8, 2014, at 2:30 p.m., on Plaintiff Service Employees International Union, Local 1107's ("Local 1107") Motion for Attorney's Fees and

1 Costs (Dkt. 59). After reviewing the papers and pleadings on file, hearing argument from counsel in  
2 open court, and otherwise being generally advised, the Court enters the following order.

3 On September 30, 2013, this Court issued an Order granting summary judgment in favor of  
4 Local 1107 and against Sunrise Hospital and Medical Center LLC d/b/a Sunrise Hospital and Medical  
5 Center ("Sunrise"). (Dkt. 53). In that Order, the Court determined it would exercise its discretion and  
6 award attorney's fees and costs to Local 1107, pending further briefing of the parties on the  
7 reasonableness of an award. (Dkt. 53 at 20-21).

8 Now before the Court are the parties' briefs and arguments on the amount to be awarded in fees  
9 and costs. At the hearing, the Court informed counsel for Sunrise that it had the opportunity to oppose  
10 the motion on the merits because its brief in opposition only opposed the award of fees on timeliness  
11 grounds. Sunrise maintained the award of fees could not be granted because Local 1107's Motion was  
12 untimely. Sunrise opposed the award on the ground that Local 1107's motion for fees and costs was not  
13 timely filed. (Dkt. 60). Rule II.54-16 of the Local Rules of Practice for the United States District Court  
14 for the District of Nevada requires that a motion for attorneys' fees be filed within 14 days after entry of  
15 final judgment. Local 1107 filed a Motion for Award of Attorneys' Fees on October 3, 2013, which was  
16 within this 14-day period. That Motion was not filed in this case, but was filed in Case No. 2:12-CV-  
17 1291-JCM-GWF, a member case that previously had been consolidated with this master case and closed.  
18 Local 1107 corrected this error on October 24, 2013 by refileing its Motion in this case. (Dkt. 59). The  
19 Court finds Local 1107 provided a reasonable explanation for this docketing error and no party suffered  
20 prejudice as a result of the error because notice of the filing was provided to Sunrise's counsel.  
21 Accordingly, the Court rejects Sunrise's position that the Motion should be denied as untimely.

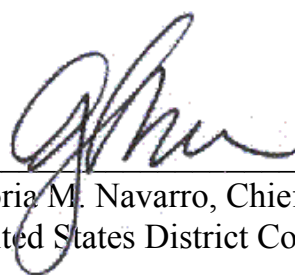
22 Sunrise's written Opposition did not challenge the number of hours requested in Local 1107's  
23 Motion or a lodestar award. The Court finds that the hours requested in Local 1107's motion were  
24 reasonably expended on this litigation. After reviewing the *Kerr* factors, *Kerr v. Screen Extras Guild,*  
25 *Inc.*, 526 F.2d 67 (9th Cir. 1975), and Local 1107's Motion and supporting documentation, the Court  
26 adopts the reasoning of Local 1107's counsel and the Court finds an award of fees to Local 1107 is  
27 reasonable. Under the lodestar method, the Court finds that a reasonable hourly rate in this litigation is  
28 \$400 per hour for partner time. Considering the highest billing rate of Local 1107's counsel in the

1 instant litigation of \$200 per hour, the Court finds it is reasonable to double the lodestar rate. *See Perdue*  
2 *v. Kenny A.*, 130 S. Ct. 1662, 1674 (2010). In addition to the hourly rate the Court has determined is  
3 appropriate, the Court specifically notes the long experience and skill of Local 1107's counsel weighs in  
4 favor of doubling the lodestar. Therefore, the Court will double the rate to be awarded in fees.

5 The Court **GRANTS** Plaintiff's Motion for Attorney's Fees and Costs.

6 **IT IS ORDERED** that Local 1107 is awarded attorney's fees in the amount of \$57,063.94 and  
7 its costs in the amount of \$1,501.12.

8 **DATED** this 9th day of October, 2014.

9  
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11   
12 Gloria M. Navarro, Chief Judge  
United States District Court

13 Submitted by:

14 **THE URBAN LAW FIRM**

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